

MAR 03 2009

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CARLOS SALAZAR LOPEZ, aka
Carlos Salazar,

Defendant - Appellant.

No. 08-30129

D.C. No. 1:97-cr-00037-JDS

MEMORANDUM *

Appeal from the United States District Court
for the District of Montana
Jack D. Shanstrom, District Judge, Presiding

Submitted February 18, 2009 **

Before: BEEZER, FERNANDEZ, and W. FLETCHER, Circuit Judges.

Carlos Salazar Lopez appeals from the 270-month sentence imposed upon
resentencing. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

* This disposition is not appropriate for publication and is not precedent
except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without
oral argument. See Fed. R. App. P. 34(a)(2).

Salazar Lopez contends that the sentence imposed is unreasonable because the district court did not consider, weigh, and give effect to his substantial post-sentencing rehabilitation in fashioning the sentence. We conclude that the district court did not procedurally err, and that the sentence is reasonable. *See Gall v. United States*, 128 S. Ct. 586, 596-97 (2007); *see also United States v. Carty*, 520 F.3d 984, 992-93 (9th Cir. 2008) (en banc).

AFFIRMED.